

House Amendment 8189

PAG LIN

1 1 Amend House File 2440 as follows:
1 2 #1. Page 1, by inserting before line 1, the
1 3 following:
1 4 <Section 1. Section 147.136, Code 2003, is amended
1 5 to read as follows:
1 6 147.136 SCOPE OF RECOVERY.
1 7 In an action for damages for personal injury
1 8 against a physician and surgeon, osteopath,
1 9 osteopathic physician and surgeon, dentist, podiatric
1 10 physician, optometrist, pharmacist, chiropractor, or
1 11 nurse licensed to practice that profession in this
1 12 state, or against a hospital licensed for operation in
1 13 this state, based on the alleged negligence of the
1 14 practitioner in the practice of the profession or
1 15 occupation, or upon the alleged negligence of the
1 16 hospital in patient care, in which liability is
1 17 admitted or established, the damages awarded shall not
1 18 include actual economic losses incurred or to be
1 19 incurred in the future by the claimant by reason of
1 20 the personal injury, including but not limited to, the
1 21 cost of reasonable and necessary medical care,
1 22 rehabilitation services, and custodial care, and the
1 23 loss of services and loss of earned income, to the
1 24 extent that those losses are replaced or are
1 25 indemnified by insurance, ~~or by governmental,~~
~~1 26 employment, or service benefit programs~~ or from any
1 27 other source except the assets of the claimant or of
1 28 the members of the claimant's immediate family.
1 29 However, this section shall not bar recovery of such
~~1 30 economic losses to the extent those losses are~~
~~1 31 replaced or indemnified by any benefits provided by an~~
~~1 32 employer through a qualified self-funded health~~
~~1 33 benefit plan, workers' compensation plan, or Medicaid,~~
~~1 34 Medicare, or other governmental benefit program.>~~
1 35 #2. Title page, line 1, by striking the words
1 36 <awards of noneconomic damages against>.
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1 40 HOGG of Linn
1 41 HF 2440.503 80
1 42 rh/pj
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